

1 EDMUND G. BROWN JR.
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 State Bar No. 91740
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-5556
5 Facsimile: (415) 703-5480
Attorneys for Complainant

6
7 **BEFORE THE**
BOARD OF REGISTERED NURSING
8 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

9
10 In the Matter of the Accusation Against:

Case No.

2010 - 476

11 **HEIDI ANNE ROUNSAVILLE**
a.k.a. **HEIDI ANNE CANNON**
12 8 Warren Drive
South Hutchinson, Kansas 67505

ACCUSATION

13
14 Registered Nurse License No. 617100

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs.

22 2. On or about April 15, 2003, the Board of Registered Nursing issued Registered Nurse
23 License Number 617100 to Heidi Anne Rounsaville, a.k.a. Heidi Anne Cannon, (Respondent).
24 The Registered Nurse License was in full force and effect at all times relevant to the charges
25 brought herein and will expire on April 30, 2011, unless renewed.

26 JURISDICTION

27 3. This Accusation is brought before the Board of Registered Nursing (Board),
28 Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 STATUTORY PROVISIONS

3 4. Section 2750 of the Business and Professions Code provides, in pertinent part, that
4 the Board may discipline any licensee, including a licensee holding a temporary or an inactive
5 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
6 Practice Act.

7 5. Section 2764 of the Business and Professions Code provides, in pertinent part, that
8 the expiration of a license shall not deprive the Board of jurisdiction to proceed with a
9 disciplinary proceeding against the licensee or to render a decision imposing discipline on the
10 license. Under section 2811(b) of the Code, the Board may renew an expired license at any time
11 within eight years after the expiration.

12 6. Section 2761 of the Business and Professions Code states:

13 "The board may take disciplinary action against a certified or licensed nurse or deny an
14 application for a certificate or license for any of the following:

15 "(a) Unprofessional conduct . . .

16 " . . .

17 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
18 functions, and duties of a registered nurse, in which event the record of the conviction shall be
19 conclusive evidence thereof.

20 . . .

21 7. Section 2762 of the Business and Professions Code states:

22 "In addition to other acts constituting unprofessional conduct within the meaning of this
23 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
24 chapter to do any of the following:

25 " . . .

26 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
27 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
28 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to

1 himself or herself, any other person, or the public or to the extent that such use impairs his or her
2 ability to conduct with safety to the public the practice authorized by his or her license.

3 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
4 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
5 or the possession of, or falsification of a record pertaining to, the substances described in
6 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
7 thereof.

8 ...

9 8. Section 490 of the Business and Professions Code provides, in pertinent part, that a
10 board may suspend or revoke a license on the ground that the licensee has been convicted of a
11 crime substantially related to the qualifications, functions, or duties of the business or profession
12 for which the license was issued.

13 9. California Code of Regulations, title 16, section 1444 provides, in pertinent part, that
14 a conviction or act shall be considered to be substantially related to the qualifications, functions
15 or duties of a registered nurse if to a substantial degree it evidences the present or potential
16 unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or
17 welfare.

18 10. Section 125.3 of the Business and Professions Code provides, in pertinent part, that
19 the Board may request the administrative law judge to direct a licensee found to have committed
20 a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
21 investigation and enforcement of the case.

22 FIRST CAUSE FOR DISCIPLINE
23 (Conviction of a Substantially Related Crime)

24 11. Respondent is subject to disciplinary action under Business and Professions Code
25 sections 490 and 2761(f), as defined by California Code of Regulations, title 16, section 1444, in
26 that respondent has been convicted of a crime substantially related to the qualifications, functions
27 or duties of a registered nurse, the circumstances are as follows:
28

1 a. On or about August 21, 2008, in a criminal proceeding entitled People of the State of
2 California v. Heidi Anne Cannon in San Mateo County Superior Court, Case No. NM376161,
3 the respondent was convicted by her plea of nolo contendere for violating Vehicle Code section
4 23152(a), a misdemeanor (driving under the influence).

5 b. The circumstances surrounding the conviction are that on or about May 11, 2008, an
6 officer of the California Highway Patrol stopped a vehicle that the respondent was driving after
7 he observed her driving erratically. Upon making contact with the respondent, the officer smelled
8 the odor of an alcoholic beverage emitting from her breath and person and he noticed that her
9 speech was also slurred. The respondent admitted that she had consumed two alcoholic beverages
10 two hours prior to being stopped. Based on the results of the field sobriety tests administered to
11 the respondent, she was arrested by the California Highway Patrol for driving under the influence
12 of an alcoholic beverage.

13 c. On or about August 21, 2008, the respondent was ordered to serve two days in the
14 county jail. The court suspended imposition of the sentence and placed her on court probation for
15 three years; fined her \$1,501.00, ordered her to pay \$110.00 to the state restitution fund and a
16 \$10.00 citation fee; and ordered her to enter and complete the First Offender Program.

17 SECOND CAUSE FOR DISCIPLINE

18 (Use an Alcoholic Beverages to an Extent or in a
19 Manner Dangerous or Injurious to Herself or Others)

20 12. Respondent is subject to disciplinary action under Business and Professions Code
21 section 2761(a) on the grounds of unprofessional conduct, as defined by Business and Professions
22 Code section 2762(b), in that on or about May 11, 2008, respondent used alcoholic beverages to
23 an extent or in a manner dangerous or injurious to herself or others, as set forth in paragraph 11,
24 above.

25 THIRD CAUSE FOR DISCIPLINE

26 (Conviction of an alcohol related crime)

27 13. Respondent is subject to disciplinary action under Business and Professions Code
28 section 2761(a) on the grounds of unprofessional conduct, as defined by Business and Professions

1 Code section 2762(c), in that respondent was convicted of a crime involving the consumption of
2 alcoholic beverages, as set forth in paragraph 11, above.

3 OTHER MATTERS

4 14. In August 1997, in a case entitled City of Hutchinson, Kansas v. Heidi Anne Cannon,
5 Case No. C-75665, in the Hutchinson Municipal Court, the respondent was found guilty of
6 Driving Under the Influence. Respondent was ordered to pay fines, fees and court costs and was
7 placed in a diversion program. Subsequently on or about February 26, 1998, the court found that
8 the respondent had successfully complied with all of the conditions of the Diversion Agreement
9 and this case was dismissed with prejudice.

10 15. On or about May 24, 2001, in a case entitled City of Hutchinson, Kansas v. Heidi
11 Anne Cannon, in the Hutchinson Municipal Court, the respondent pled nolo contendere to Public
12 Intoxication. Respondent was fined \$100.00 and ordered to pay \$50.00 in court costs.

13 16. On or about March 20, 2002, in a case entitled City of Hutchinson, Kansas v. Heidi
14 Anne Cannon, in the Hutchinson Municipal Court, the respondent was found guilty of Refusal to
15 To Submit To A Preliminary Screen Test. Respondent was fined \$35.00 and ordered to pay
16 \$50.00 in court costs.

17 PRAYER

18 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
19 and that following the hearing, the Board of Registered Nursing issue a decision:

20 1. Revoking or suspending Registered Nurse License Number 617100, issued to Heidi
21 Anne Rounsaville, a.k.a. Heidi Anne Cannon.

22 2. Ordering Heidi Anne Rounsaville, a.k.a. Heidi Anne Cannon, to pay the Board of
23 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
24 pursuant to Business and Professions Code section 125.3;

25 / / /

26 / / /

27 / / /

28 / / /

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3. Taking such other and further action as deemed necessary and proper.

DATED:

3/29/10

Louise R. Bailey

LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SF2009403687
40442709.doc